

Remarks/Arguments

Reconsideration of the subject application is requested. It is believed that the application as now amended should be allowed because of the following reasons.

The 35 USC 112, second paragraph rejections have been overcome. Ragsdale US 5,642,971 discloses a rail system for pick-up truck beds comprised of PVC pipe attached to a pick-up truck with multi-piece brackets and a pair of fasteners. The brackets are fixed to the PVC pipe with bolts which extend thru the pipe to engage nuts. The positions of the brackets are neither selectively adjustable along the length of the pipe nor selectively rotatable about an axis of the pipe.

Nix US 6,827,532 discloses a multi-piece rail with an indicia bearing panel and a light for a bed of a pick-up truck. As best understood, the purpose of the Nix rail is ornamental rather than for securing a cargo in the truck.

Amended independent claims 1, 3 and 11 are patentably distinguishable from Ragsdale and Nix by the positive limitations of (1) single piece brackets with uniform cross-sections; (2) thin wall tubular rails; (3) single apertures in brackets for attaching tubular rails to a pick-up truck; (4) brackets which are selectively positional and rotatable; and means for clamping (rather than bolting) brackets to tubular rails.

Since the remaining claims depend from claims 1, 3 and 11, they are patentably distinguishable from the applied references for the same reasons as the independent claims.

For the above stated reasons, it is requested that the Examiner reconsider his position regarding his rejections of the claims under 35 USC 103(a) and 35 USC 112, first paragraph, and advance this case to allowance.

Although no further changes are believed to be necessary, should the Examiner believe otherwise, a telephone conference would be appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alex Rhodes", written over a horizontal line.

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